

UTL.03

Date: July 28, 2011

This instrument prepared under the direction of: Thomas L. Wright, Chief Counsel Post Office Box 1249 City: Bartow, Florida 33831-1249 Department of Transportation

F.P. NO. 4272981 PARCEL 100.2 SECTION 13010-000 STATE ROAD 45 (US 41) COUNTY Manatee

R-11-182

R E S O L U T I O N

ON MOTION of Commissioner _____, seconded by Commissioner _____, the following Resolution was adopted:

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 45 (US 41), Section No. 13010-000, in Manatee County, Florida: and

WHEREAS, it is necessary that certain easement rights now owned by Manatee County be subordinated to the State of Florida Department of Transportation: and

WHEREAS, said subordination is in the best interest of the County: and

WHEREAS, the State of Florida Department of Transportation has made application to said County to execute and deliver to the State of Florida Department of Transportation a subordination of utility interest, or interests, in favor of the State of Florida, and said request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, that the application of the State of Florida Department of Transportation for a subordination of utility interest, or interests, is for transportation purposes which are in the public or community interest and for public welfare; that a subordination of utility interest, or interests, in favor of the State of Florida Department of Transportation, in Manatee County, should be drawn and executed by this Board of County Commissioners. Consideration shall be \$ -0-


BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the State of Florida Department of Transportation at Bartow, Florida.

STATE OF FLORIDA


COUNTY OF MANATEE

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Board of County Commissioners of Manatee County, Florida at a meeting held on the 6th day of September, 2011.

COUNTY OF MANATEE, FLORIDA,
by and through its BOARD OF
COUNTY COMMISSIONERS:

By: 
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

By: 
DEPUTY CLERK



23-UTL.02-05/09

Date: July 28, 2011

This instrument prepared
under the direction of:

Thomas L. Wright, Chief Counsel
Post Office Box 1249
City: Bartow, Florida 33831-1249
Department of Transportation

F.P. NO. 4272981
PARCEL 100.2
SECTION 13010-000
STATE ROAD 45 (US 41)
COUNTY Manatee

SUBORDINATION OF COUNTY UTILITY INTERESTS

THIS AGREEMENT, entered into this ____ day of _____,
20____, by and between the STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION, hereinafter called the FDOT, whose post office
address is: Post Office Box 1249, Bartow, Florida 33831-1249
and MANATEE COUNTY, FLORIDA, Utility Agency Organization,
hereinafter called the Utility.

W I T N E S S E T H:

WHEREAS, the Utility presently has an interest in certain
lands that have been determined necessary for highway purposes;
and

WHEREAS, the proposed use of these lands for highway
purposes will require subordination of the interest claimed in
such lands by Utility to the FDOT; and

WHEREAS, the FDOT is willing to pay to have the Utility's
facilities relocated if necessary to prevent conflict between the
facilities so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and
promises of the parties hereto, Utility and FDOT agree as
follows:

Utility hereby subordinates to the interest of FDOT, its
successors, or assigns, any and all of its interest in the lands
as follows, viz:

SEE EXHIBIT "A"

RECORDED

| INSTRUMENT | DATE | FROM | TO | O.R. BOOK/PAGE |
|------------|----------|--|-------------------------------|-------------------|
| Easement | 10-12-66 | William E. Smith and Lona I. Smith, his wife | Manatee County, Florida | OR 299 Pg. 302 |
| Easement | 12-27-73 | William D. Hudson, and Betty Jean Hudson, his wife | " " " | OR 677 Pg. 618 |
| | | | | |

PROVIDED that the Utility has the following rights:

1. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with the FDOT's current minimum standards for such facilities as required by the FDOT Utility Accommodation Manual in effect at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by the FDOT. Should the FDOT fail to approve any new construction or relocation of facilities by the Utility or require the Utility to alter, adjust, or relocate its facilities located within said lands, the FDOT hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The Utility shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the FDOT's facilities.
4. The Utility agrees to repair any damage to FDOT facilities and to indemnify the FDOT against any loss or damage resulting from the Utility exercising its rights outlined in Paragraphs 1 and 3 above.

IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written.

Executed in our presence
as witnesses:

STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION

Signature

By: _____
District Secretary/Designee
for District One

Print/Type Name

Signature

Legal Review:

Print/Type Name

Department Attorney

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me this
____ day of _____, 20__ by _____,
District Secretary/Designee for District One. He is personally
known to me or has produced _____
as identification.

(Affix Seal/Stamp here) Notary Signature: _____

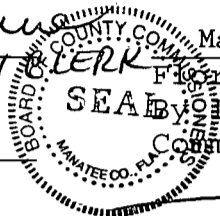
Printed Name: _____

Notary Public in and for
the County and State last
aforesaid.
My Commission Expires:

Serial No.: _____

IN WITNESS WHEREOF, the County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice-Chairperson of said Board, the day and year aforesaid.

ATTEST: By: Susan K. Romine Manatee County,
Signature DEPUTY CLERK Florida,
SEAL By: Its Board of County
Commissioners



Print/Type Name

Clerk (or Deputy Clerk)

Signature of Chairman 9/6/11

Carol Whitmore

Print/Type Name

Its Chairperson
(or Vice-Chairperson)

Grantor(s)' Mailing Address:

P.O. Box 1000

Bradenton, Florida 34206

F.P. NO. 4272981

SECTION 13010-000

PARCEL 100

RIGHT OF WAY

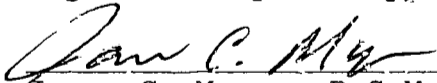
That portion of Lot 1, Woodland Estates, a subdivision in Section 11, Township 35 South, Range 17 East, as per plat thereof recorded in Plat Book 6, Page 84, Public Records of Manatee County, Florida.

Being described as follows:

Commence at the intersection of the survey base line of State Road 45 (US 41) and the survey base line of State Road 70 (Oneco Road and 53rd Avenue, East); thence along said survey base line of State Road 45, North $00^{\circ}27'52''$ East a distance of 38.91 feet; thence North $89^{\circ}31'45''$ West a distance of 58.35 feet to an intersection with the north existing right of way line of said State Road 70 (per Official Records Book 1282, Page 1129, Public Records of Manatee County, Florida) and the west existing right line of said State Road 45 (per Section 13010-(117)-(201)-119) for a POINT OF BEGINNING; thence along said north existing right of way line continue North $89^{\circ}31'45''$ West a distance of 13.54 feet; thence North $48^{\circ}28'57''$ East a distance of 22.52 feet; thence South $89^{\circ}32'08''$ East a distance of 9.15 to said west existing right of way line of State Road 45; thence along said west existing right of way line South $00^{\circ}27'52''$ West a distance 4.73 feet; thence continue along said west existing right of way line South $50^{\circ}33'25''$ West a distance of 16.10 feet to the POINT OF BEGINNING.

Containing 200 square feet.

Legal Description Approved by:



James C. Myers P.S.M. #5922

Date: 07-27-2011

NOT VALID UNLESS EMBOSSED

EXHIBIT "A"